



330 Main St
Hartford, CT 06106
860-523-9146

Written Testimony in Support of House Bill 6014, An Act Concerning the Safe Use of Electronic Defense Weapons

Senator Hartley, Representative Dargan and distinguished members of the Public Safety and Security Committee, I'm David McGuire, staff attorney for the American Civil Liberties Union of Connecticut. I'm here to testify in favor of House Bill 6014, An Act Concerning the Safe Use of Electronic Defense Weapons.

First, I want to commend the committee for raising this legislation. As the use of Tasers has spread over the past several years, we've learned a great deal about the advantages and the dangers they present. (I'll refer to Tasers here because, in practice, these are the only electronic control weapons used by police in Connecticut.) We've discovered in recent years that Tasers can cause fatal heart attacks, and we've identified 11 people who have died after being stunned by Tasers in Connecticut since 2005. Amnesty International counted 500 Taser-related deaths in the United States between 2001 and 2012.¹ We've also learned that police practices and policies for Taser deployment vary widely from one police department to another. We've found that officers have sometimes used Tasers inappropriately against people who are unarmed, are putting up no active resistance and pose no threat to anyone. We see clear indications that members of minority groups are disproportionately targeted.

In 2011, Marcus G. Brown was handcuffed and confined to the back of a Waterbury police cruiser when an officer fired a Taser into his chest because he was kicking the car door and windows. The cause of his death was listed as undetermined and the Chief State's Attorney's Office concluded that the shock administered to Marcus Brown was not sufficient to kill a healthy subject. But last year the American Heart Association journal *Circulation* reported cases of Taser shocks, particularly those delivered to the chest, causing fatal ventricular fibrillation.²

In 2010, three Middletown police officers responding to a call for medical assistance shocked Efrain Carrion, while he was handcuffed, a total of 34 times until he became unresponsive and died. In 2011, the U.S. Department of Justice warned that many deaths after Taser exposure were "associated with continuous or repeated shocks."³ The same report advised against administering shocks to people

¹ AMNESTY INTERNATIONAL, *Amnesty International Urges Stricter Limits on Police Taser Use as U.S. Death Toll Reaches 500* (February 15, 2012) <http://www.amnestyusa.org/news/press-releases/amnesty-international-urges-stricter-limits-on-police-taser-use-as-us-death-toll-reaches-500>

² Zipes DP *Sudden cardiac arrest and death associated with application of shocks from a Taser electronic control device* CIRCULATION (2012).

³ U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE, *Police Use of Force, Tasers and Other Less-Lethal Weapons*, at 4 (MAY 2011) <https://ncjrs.gov/pdffiles1/nij/232215.pdf>

who are handcuffed or otherwise restrained,⁴ and warned of particular risk in relation to “[a]bnormal mental status in a combative or resistive subject.”⁵

Efrain Carrion’s family reported that he was having a severe anxiety attack when they called for emergency help, and his case illustrates the problem of using Tasers against people exhibiting signs of mental disorders, or of drug or alcohol intoxication. Of the 11 known cases of individuals in Connecticut who died after being shocked by police Tasers, five were known to have been under the influence of drugs and six were showing signs of mental illness or emotional disturbance. News reports show the frequent use of Tasers on subjects who are suicidal or extremely agitated and who, though uncooperative, pose no immediate threat to themselves or others.

Another inescapable fact is that Tasers are used disproportionately on people of color. Of the 11 Taser deaths previously mentioned, eight of the victims were black or Hispanic. Several studies on larger data sets show the same kind of disproportion. For example, a 2011 report by the New York Civil Liberties Union found that in Syracuse, N.Y., African Americans were more than twice as likely to be stunned by a police Taser than white people were.⁶ Statistics from the Wichita, Kansas, Police Department indicate that officers were five to six times more likely to use Tasers on African Americans.⁷

All of these cases, both fatal and non-fatal, have taught us that we need standardized training for police officers who use Tasers. They also demonstrate a need for more information about the way Tasers are being used. That’s why we suggest augmenting this legislation with specific requirements for officer training and for tracking each time a Taser is fired. We need to know how, when, how often and against whom Tasers are being deployed so that we will have enough information to keep pace with the technology, guide law enforcement and protect the public.

We recommend that police departments be required to have an internal policy on the use of electronic control weapons and that they be issued only to officers who receive standardized training and regular review training. Police should also document the use of Tasers in use-of-force reports, including the name of the officer, the race and gender of the person against whom the weapon was deployed, any injuries suffered by that subject and the number of times the weapon was activated. Any information automatically recorded by the Taser must be downloaded and archived. Police officers should also be required to seek medical attention for any member of the public they stun, recognizing that the barbs inflict skin and muscle damage, that direct contact with the weapon in drive mode causes burns and that the electric shocks can cause potentially fatal heart problems in some people.

These aforementioned amendments have been suggested by Representative Larry B. Butler this morning, and I urge the committee to include them in this legislation. I appreciate the opportunity to address this important issue and thank you again for raising it.

⁴ *Id.* at 15

⁵ *Id.* at 5

⁶ NEW YORK CIVIL LIBERTIES UNION, *Taking Tasers Seriously: The Need for Better Regulation of Stun Guns in New York*, (2011) http://www.nyclu.org/files/publications/nyclu_TaserFinal.pdf

⁷ Dion Lefler *Wichita report: Tasers used more on blacks* WICHITA EAGLE (Nov. 1, 2011) <http://www.kansas.com/2011/11/01/2085468/report-tasers-used-more-on-blacks.html>